

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRONX GATE & GRILLE,

Plaintiff,

- against -

WANDRIS DELEON,

Defendant.
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ORDER

07 CV 4411 (RJD) (JO)

DEARIE, Chief Judge.

On September 15, 2008, Magistrate Judge James Orenstein recommended that the Court deny plaintiff Bronx Gate & Grille's motion for a default judgment; dismiss the Third Cause of Action (asserting a violation of the RICO Act) *sua sponte* and with prejudice for failure to state a claim; and decline to exercise supplemental jurisdiction on the remaining claims. Judge Orenstein further recommended that, as a result of the above recommendations, the Court should dismiss plaintiff's complaint in its entirety without leave to amend. Objections to this Report & Recommendation were due on October 6, 2008. No objections have been filed.

The Court therefore adopts Magistrate Judge Orenstein's Report & Recommendation in its entirety.

SO ORDERED.

Dated: Brooklyn, New York
November 19, 2008

s/ Judge Raymond J. Dearie


RAYMOND J. DEARIE
United States District Judge